

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

DONALD and MARY THORNTON, )

Plaintiffs, )

vs. )

Case No.: 2:06-cv-1072

ROLLIN VAUGHN SOWARDS and, )  
PROGRESSIVE INSURANCE CO., )

Defendants.

**JOINT MOTION TO SHOW CAUSE**

COME NOW the Defendant, Rollin Vaughn Sowards, and the Plaintiffs, Donald and Mary Thornton, and pursuant to this Court's Order dated December 27, 2006, respectfully submit to this Court thier Motion to Show Cause. As grounds therefore, the parties state as follows:

1. Per the Court's Order, this Defendant was required to file its Amended Notice of Removal no later than Thursday, December 21, 2006.
2. On Wednesday, December 20, 2006, this Defendant inadvertently filed its Amended Notice of Removal without correcting the jurisdictional defect in the original Notice of Removal.
3. This Defendant was advised by counsel for Co-Defendant that the jurisdictional defect had not been corrected and needed to be re-filed with the proper changes.
4. As such, on December 20, 2006, this Defendant filed its Second Amended Notice of Removal.
5. On December 21, 2006, this Defendant was notified by the Clerk's Office that a Motion for Leave should have been filed simultaneously with the Second Amended Notice of Removal.

6. As such, this Defendant worked to get the proper Motion prepared and forwarded to the Clerk's Office in order to satisfy this Court's Order requesting that all deficiencies be corrected.

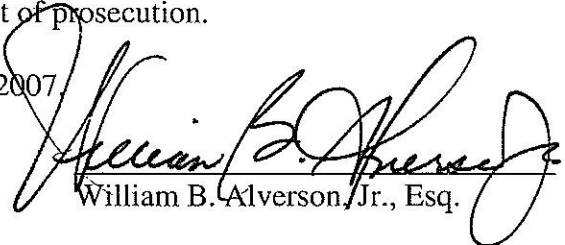
7. This Defendant, as well as the Plaintiff, simply overlooked the Rule 26 (f) deadline, which was also on December 21, 2006, and did not file said pleading.

8. On or about December 27, 2006, this Court ordered the Defendant and Plaintiff to show cause as to why the Rule 26(f) report was not filed as required.

9. No party shall be prejudiced by allowing the parties to file their Rule 26(f) Report of the Parties Planning Meeting.

WHEREFORE ALL PREMISES CONSIDERED, the parties hereby respectfully request this Court not dismiss the above-styled matter for want of prosecution.

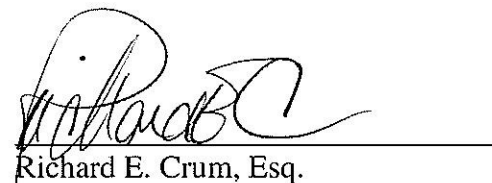
DONE this the 3<sup>rd</sup> day of January, 2007.



William B. Alverson, Jr., Esq.

Attorney for Plaintiffs,  
Donald Thornton and Mary Thornton

Of Counsel:  
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Attorney for Defendant,  
Rollin Vaughn Sowards

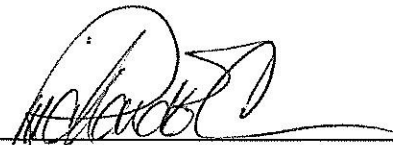
Of Counsel:  
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**CERTIFICATE OF SERVICE**

I hereby certify I have this date mailed a copy of the foregoing properly addressed and postage prepaid, to:

Alex Holtsford, Esq.  
Nix Holtsford Gilliland Higgins & Hitson, P.C.  
Post Office Box 4128  
Montgomery, Alabama 36103

This the 3<sup>rd</sup> day of January, 2007.

  
Of Counsel